

## REMARKS

Claims 45-84 are pending in the present Application, and all claims currently stand rejected. Claims 45-46, 49, 52, and 84 are amended in the present Response. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

### Incomplete Examination Of Patent Application Claims

In the immediately-preceding Amendment filed on December 6, 2007 in the present Application, Applicants have added new claims 62-84 for examination, including one independent claim and twenty-one dependent claims. After reviewing the current Office Action mailed on March 20, 2008, Applicants respectfully submit that a substantive examination has not been provided for any of these new claims 62 through 84.

Specifically, new claims 68-84 are nowhere mentioned or acknowledged anywhere in the Office Action. Applicants submit that claims 68-84 have therefore not been considered in the Office Action, and the Office Action is thus defective. In addition, with regard to new claims 62-67, the Examiner makes only a sole reference to these new claims by cursorily concluding that “[c]laims 62-67 have similar limitations as claims 45-61 and therefore are rejected for similar reasons.” Applicants respectfully traverse, and submit that the limitations of claims 62-67 are significantly different from the limitations of claims 45-61. The specific limitations of claims 62-67 should properly be considered and addressed on an individual basis with explicit citations to one or more references.

For all of the foregoing reasons, Applicants submit that claims 62-84 have been given *no substantive examination* in the present Office Action. Applicants submit that claims 62-84 contain a substantial number of patentable elements and functionalities, and therefore merit a more thorough and complete examination. Applicants therefore respectfully request the Examiner to substantively address each of Applicants' added claims 62-84, or in the alternative, to reconsider and allow claims 62-84 so that these claims may issue in a timely manner.

35 U.S.C. § 102(e)

On page 2 of the Office Action, the Examiner rejects claims 45-67 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,343,313 to Salesky (hereafter Salesky). The Applicants respectfully traverse these rejections for at least the following reasons.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Salesky fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner's rejection of independent claims 45, 49, and 52, Applicants submit that Salesky fails to teach certain similar claimed limitations from claims 45, 49, and 52. For example, independent claim 45 recites “*receiving a plurality of logon requests at a server that offers at least one service associated*

with an entertainment event, the event being at a particular location and being attended by a plurality of persons, each logon request being from a portable electronic device operated by a person physically attending the event, each logon request comprising device profile” (emphasis added), which are limitations that are not taught or suggested either by the cited reference, or by the Examiner’s citations thereto.

In addition, claim 49 recites “*automatically grouping at least a portion of the persons using logged on portable electronic devices into a user community, the user community being defined by each identified common user characteristic from the user profiles*” and “*receiving, during the event, from at least a portion of the portable electronic devices operated by persons in the user community, feedback information associated with the entertainment event or the offered service,*” which are limitations that are not taught or suggested either by the cited reference, or by the Examiner’s citations thereto.

Salesky teaches a “desktop conferencing system” that allows conference participants to share a display on respective computer screens that are “located at each remote site connected to the conference” (see column 1, lines 50-60). Applicants submit that the “conference” disclosed in Salesky is not an “entertainment event,” as specifically claimed by Applicants. Furthermore, Applicants submit that Salesky expressly teaches a distributed conferencing environment with respective computer screens that are “located at each remote site connected to the conference” (emphasis added). Therefore, Salesky teaches away from “the event being at a particular location and being attended by a

*plurality of persons, each logon request being from a portable electronic device operated by a person physically attending the event*” (emphasis added), as expressly claimed by Applicants.

On page 3 of the Office Action, the Examiner apparently attempts to equate certain “privileges” of Salesky with Applicants’ claimed “device profile information” and “user profile information.” Applicants respectfully traverse. Nowhere in the entire disclosure of Salesky is the word “profile” mentioned or utilized. The “privileges” of Salesky are merely the particular functions that a given conferee may utilize while participating in a conference. Unlike Applicants’ claimed profile information, these “privileges” of Salesky are not user-defined data structures regarding device or user characteristics that are provided to a central event server for defining a user community or for sharing with other device users.

With further regard to the limitations of claims 45, 46, 49, and 52, the Examiner cites column 2, lines 54-65, of Salesky against Applicants’ utilizing an event server for automatically creating a “user community” based upon analyzing the user profiles to identify “at least one common user characteristic,” as claimed by Applicants. For example, claim 46 recites “*utilizing the server for analyzing the user profiles associated with the persons using portable electronic devices logged on the server to identify at least one common user characteristic; and based on the analyzing, using the server for automatically grouping at least a portion of the persons using logged on portable electronic devices into a user community, the user community being defined by the at least one common user characteristic from the user profiles.”*

Column 2, lines 54-65, of Salesky is limited only to a brief description of providing certain displayed conference information to “a subset of the attendees.” Salesky fails to discuss any specific techniques for how the “subset of attendees” might be selected or defined. Applicants therefore submit that Salesky nowhere teaches using an event server for “analyzing user profiles” and then automatically defining a “user community” based upon one or more identified user characteristics from the user profiles. Furthermore, claims 45, 49, and 52 now include similar limitations regarding “*feedback information associated with the entertainment event or a particular service offered by the server,*” as recited in claim 49. Applicants submit that the cited reference fails to teach these limitations, and therefore the rejections are improper.

Regarding the Examiner’s rejection of dependent claims 46-48, 50-51, and 53-61, for at least the reasons that these claims are dependent from independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 46-48, 50-51, and 53-61, so that these claims may issue in a timely manner.

With further regard to the rejections of claims 56-60, the Examiner cites column 2 of Salesky against the various different specific types of device profiles and user profiles claimed by Applicants. Applicants respectfully traverse. Applicants submit that nowhere in column 2 does Salesky disclose the various

different specific types of device profiles and user profiles claimed by Applicants in claims 56-60. Applicants therefore submit that the rejections of claims 56-60 are improper.

With regard to the rejection of claim 61, the Examiner cites column 2, lines 10-35, of Salesky against the “requests for profiles” from other device user claimed by Applicants. Applicants respectfully traverse. Applicants submit that column 2, lines 10-35, of Salesky fails to disclose any type of “request for profiles,” as claimed by Applicants in claim 61. Applicants therefore submit that the rejection of claim 61 is improper.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Salesky to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of claims 45-61 so that these claims may issue in a timely manner.

### Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections. Because the cited reference, or the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 45-84, so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 6/5/08

By: 

Gregory J. Koerner, Reg. No. 38,519  
Redwood Patent Law  
1291 East Hillsdale Blvd., Suite 205  
Foster City, CA 94404  
Tel: (650) 358-4000